IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8972 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHRI UTTAR GUJARAT PATEL SOCIETY- THR' ITS PRESIDENT - Petitioner(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :

MR PRASHANT MANKAD for Petitioner(s) : 1,MR JAGDISH H MEHTA for Petitioner(s) : 1,
MS ML SHAH, AGP for Respondent(s) : 1,
RULE SERVED BY DS for Respondent(s) : 2,3,
MR DIPAK R DAVE for Respondent(s) : 4,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 06/10/2006

ORAL JUDGMENT

1. In this petition, the petitioner-society has

challenged an order dated 26-5-2005 passed by the Deputy Secretary, Education Department, Government of Gujarat. By the said order, the authority was pleased to set aside an order dated 20-10-2004 passed by the Director of Primary Education. By order dated 20-10-2004, the Director was pleased to cancel the recognition of the school. The respondent no.4 had therefore, challenged the decision of the Director of Primary Education before the State Government. The Deputy Secretary was pleased to set aside the order and provided that the recognition granted to the school will continue to operate on the condition that the school fulfills certain conditions.

2. The case of the petitioner appears to be that the school is run in the premises of the Housing Society and that the school is functioning without proper permission.

3. Whatever be the objections of the petitioner for respondent no.4 running the school, the same

cannot be basis for cancellation of recognition granted in favour of the school management. If there are any disputes between the petitioner and respondent no.4, the same have to be raised before the competent Court. I see no role of the petitioner in the authorities considering the recognition of the school in facts of the present case at-least. I do not find that the petitioner has any locus standi to challenge the order passed by the Deputy Secretary.

4. In the result, only on this ground, the petition fails and is hereby rejected. Rule is discharged. No order as to costs.

(Akil Kureshi, J.)

(raghu)